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SH #2289268

OFFICER INVOLVED SHOOTING FORM

INVESTIGATIVE SUMMARY

Deputy Barrios' Interview Transcripts
Deputy Garcia's Interview Transcripts
Deputy Helbing's Interview Transcripts
Deputy Looney's Interview Transcripts
Subject Juarez' Interview Transcripts

EXHIBITS

A- Homicide Book
B- CD Containing Audio Recording of Radio Traffic - Dispatch 4 and L-Tac
C- CD Containing Aerial Photographs of Scene, Photos of the Scene, and Printed Photos
D- Crime Scene Sketch with Legend.
E- Firearms Examiners Report
F- Criminal History for Suspect Lusk
G- CD Containing Stolen Vehicle Photographs

MISCELLANEOUS DOCUMENTS

Century Sheriff's Station In-Service Sheet for 05-25-11 PM Shift
Photographs Utilized During Deputy Barrio's / Garcia's Interview
Training Records for Deputy Barrios
MDT Unit Roster
Admonition Forms

TABLE OF CONTENTS
SH #2289268

INVESTIGATIVE SUMMARY

Witness [redacted] Interview Transcripts
Witness [redacted] Interview Transcripts
Witness [redacted] Interview Transcripts

EXHIBITS

A- CD Containing Photographs of Witness Views
B- Printed Copies of Sunrise, and Sunset Times

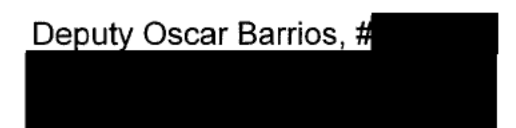


Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



March 6, 2013



Deputy Oscar Barrios, #[redacted]

Dear Deputy Barrios:

On July 2, 2012, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2311486. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of seven (7) days effective March 11, 2013, through March 17, 2013.

An investigation under File Number IAB 2311486, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about May 25. 2011, you failed to properly perform your duties and/or failed to perform your duties in a manner which tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department and/or failed to conform to work standards established for your position, as evidenced by but limited to:

a) failing to ensure SCC received your broadcast detailing the vehicle you were attempting to locate containing an armed suspect, and/or;

b) failing to safeguard yourself and/or your partner (Deputy Garcia) by hastily advancing on a vehicle wherein the former occupants were believed to be armed and still in the immediate area, and/or;

c) failing to adequately communicate, and/or coordinate, responding units into containment positions prior to searching for a potentially armed suspect, ultimately placing responding units, your partner (Deputy Garcia), and yourself in a less favorable tactical posture, and/or;

d) unnecessarily putting yourself, and/or your partner (Deputy Garcia) in a less favorable tactical posture by failing to adequately coordinate with each other and/or separating while engaged in a search for a potentially armed suspect.

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joseph M. Gooden, Captain
Commander, Century Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

JMG:AEA:md

c: Advocacy Unit
Kevin A. Goran, Chief, Field Operations Region II
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Century Station/unit Personnel File

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: April 26, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN H. CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2289268
Incident:	Hit Shooting
Incident Date:	May 25, 2012
Unit:	Century Station / FOR II
Suspect:	William M. Lusk M/19
Involved Employees:	Deputy Oscar Barrios
EFRC Date:	April 18, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander Todd Rogers, and Commander Stephen Johnson met and reviewed the above case.

FINDINGS:

The Committee determined the force used by Deputy Barrios was objectively reasonable and in compliance with Department Policy.

RECOMMENDATIONS:

The Committee recommended that Deputy Barrios attend 8 hours of Ethical Decision Making training and Tactics and Survival Training classes 1 and 2A. Additional training shall be at the discretion of the unit commander, Captain Joseph Gooden, and shall address issues unique to this case.

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: May 14, 2012

OFFICE CORRESPONDENCE

FILE NO. IV2311486
SH2289268

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE**

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the use of force incident which occurred on May 25, 2011

The Committee met on April 18, 2012, and consisted of me, Commander Stephen B. Johnson Custody Operations Division and Commander Anthony La Berge, Field Opertations Region I.

The Committee deemed:

- as **Founded** the allegation that Deputy Oscar Barrios #[redacted] violated the Department's Manual of Policy and Procedures, Section 3-01/050.10, Performance to Standards, on or about May 25, 2011, he failed to properly perform his duties and/or failed to perform his duties in a manner which tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department and/or failed to conform to work standards established for his position, as evidenced by but not limited to:

  a) Failing to ensure SCC received his broadcast detailing the vehicle he was attempting to locate contained an armed suspect, and/or;

  b) Failing to safeguard himself and/or his partner (Deputy Garcia) by hastily advancing on a vehicle wherein the former occupants were believed to be armed and still in the immediate area, and/or;

c) Failing to adequately communicate, and/or coordinate, responding units into containment positions prior to searching for a potentially armed suspect, ultimately placing responding units, his partner (Deputy Garcia), and himself in a less favorable tactical posture, and/or;

d) Unnecessarily putting himself, and/or his partner (Deputy Garcia) in a less favorable tactical posture by failing to adequately coordinate with each other and/or separating while engaged in a search for a potentially armed suspect.

The Committee recommended that Deputy Oscar Barrios #[redacted] receive a **7 day suspension**.

MJR:RSP/rsp

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 10-12-11	Bureau/Station/Facility: FOR 2 / Century Sheriff's Station	Admin. Invest.? ☐ Hit? ☒

URN: 011-07901-2131-013	Date: 05-25-11 Time: 2033 Hours
City or Station: Los Angeles	Nature of Incident: Deputies see two men in a car, one pointing a gun at them. The car stops in a cul-de-sac, the suspects flee, and a deputy involved shooting occurs shortly after in a nearby car-port area.
Location: [redacted] South Central Avenue, Los Angeles	

Location Type (*circle one or more*):
- Backyard (circled)
- Beach
- Business
- Freeway
- Industrial
- Park
- Parking Lot
- Residence
- Rural
- School
- Street
- Other: ______________

Lighting (*circle only one*):
- Darkness (circled)
- Daylight
- Other
- Street Lights

Weather (*circle only one*):
- Clear (circled)
- Cloudy
- Fog
- Rain

Distance: 5-10 feet

Incident Type (*circle one or more*):
- Accidental
- Armed Person
- Fleeing Suspect (circled)
- Foot Pursuit
- Gun Take Away
- Moving Vehicle
- Sniper/Ambush
- Startle
- Struggle Involved
- Traffic Stop
- Unarmed Person
- Unintentional
- Vehicle Pursuit
- Warrant Service
- Warning Shot
- Other: ______________

Initiated by (*circle only one*):
- Arrest Warrant
- Call
- Observation (circled)
- One Person Unit
- Other
- Search Warrant
- Two Person Unit

Prior Activity (*circle only one*):
- Detective
- Inmate Transport
- Other
- Routine Patrol (circled)

Total # of Shots Fired by Deputy: 16

Total # of Shots Fired by Suspect: None

Aero Unit? ☒ Canine Unit? ☐

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Garcia	Antonio		EM PM (circled) Day	Regular (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Waldo	Bruce	B	On Duty (circled); Present during shooting; Witness to shooting; Involved in shooting
				On Duty; Present during shooting; Witness to shooting; Involved in shooting

Employee #	Last Name	First Name	M.I.
[redacted]	Martin	Jeffrey	M

Employee #	Last Name	First Name	M.I.
[redacted]	Bardon	Joshua	A

PSTD Use Only
SH # ______________

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 011-07901-2131-013

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05-25-11	2145	10-12-11	

Employee #	Last Name	First Name	M.I
[redacted]	Fredericks	Stefanie	R
[redacted]	Graham	Scott	A
[redacted]	Rossi	John	E

Method

(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton:(Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton:(Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon (Push)
(CT)	Control Holds:(Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds:(Team Takedown)	(RS)	Resistance
(TD)	Control Holds:(Takedown)	(CN)	Restraint Device (Capture Net)
(CE)	Chemical	(RH)	Restraint Device (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device:Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device:Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SP)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Brand

(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

Caliber

(9)	9 mm	(24)	.243 caliber	(41)	.410 guage
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 guage	(30)	.308 caliber	(45)	.45 caliber
(20)	20 guage	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	UC					NN	NN
E1	S1	FH	BR	9	Y	Y	GS	CH

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 011-07901-2131-013

E 1

Employee #	Last Name	First Name	M.I.
[redacted]	Barrios	Oscar	S

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
M	H.	Deputy	Century	214E

ShiftTime (*circle only one*):	ShiftType (*circle only one*):	Intoxication/Drug Usage?	Substance Used:
EM **PM** Day	**Regular** Overtime Off Duty	[ ]	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
[ ]		[ ]		[X]

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*)	Other Factors:
8	[redacted]	Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / **Uniform w/ Vest**	

Age:	Height:	Weight:
[redacted]	6-01	250

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:
[redacted]		

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots
Beretta	9mm	16			

Field Training Officer Emp #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	

E ___

Employee #	Last Name	First Name	M.I.

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*):	ShiftType (*circle only one*):	Intoxication/Drug Usage?	Substance Used:
EM PM Day	Regular Overtime Off Duty	[ ]	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
[ ]		[ ]		[ ]

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*)	Other Factors:
		Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	

Age:	Height:	Weight:

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
[ ]	[ ]		[ ]		[ ]

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots

Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*):	ShiftType (*circle only one*):	Intoxication/Drug Usage?	Substance Used:
EM PM Day	Regular Overtime Off Duty	[ ]	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
[ ]		[ ]		[ ]

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*)	Other Factors:
		Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	

Age:	Height:	Weight:

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
[ ]	[ ]		[ ]		[ ]

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots

Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 011-07901-2131-013

Suspect Information

S 1

Last Name: Lusk		First Name: William	M.I.: N
AKA Last Name:		First Name:	M.I.:
Sex: M Race: W	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 19 D.O.B. 09-27-91	Height: 5-08 Weight: 180	FBI #:	CII #:
Booking #: Not Booked	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case #: 2011-03575	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Mitsubishi		Model: Outlander	Year: 2007

S 2

Last Name: [redacted]		First Name: [redacted]	M.I.: [redacted]
AKA Last Name:		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 17 D.O.B. [redacted]	Height: 5-10 Weight: 240	FBI #:	CII #:
Booking #: 2752726	Primary Charge: 487(d)(1) P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Mitsubishi		Model: Outlander	Year: 2007

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

INVESTIGATIVE S[illegible] MARY
DEPUTY INVOLVED SHOOTING: HIT
SH2289268
URN 011-07901-2131-013

DATE / TIME / LOCATION

Wednesday, May 25, 2011
2030 hours
[redacted] South Central Ave, Willowbrook (Unincorporated Area)

Deputies Barrios, #[redacted] and Garcia, #[redacted] were working a two-person patrol car when they saw a 2007 Mitsubishi Outlander, California license #[redacted] drive past them. They conducted a license plate check and discovered the car was "stolen." The deputies made a U-turn, but lost sight of the car when it turned onto a side street.

While looking for the vehicle, on Robin Street at 118th Street, both vehicles drove past each other. As the suspect drove past them, the driver pointed a black semiautomatic handgun at the deputies. Both deputies ducked down as the vehicle continued traveling. The deputies turned around, drove after the stolen car, and saw the suspects running from it at the dead end of Robin Street. A search for the suspects began and Air-21 (Aero Helicopter) located one suspect hiding in the rear of a nearby apartment complex.

Deputies Barrios and Garcia walked to the rear of the complex and discovered Suspect Lusk hiding and crouching down behind a tree. Deputy Barrios ordered Suspect Lusk to give up. The suspect stood up suddenly and quickly removed his hands from his waistband. Believing that the suspect was removing a handgun from his waistband, Deputy Barrios fired at the suspect. The suspect ran between two wooden fences and fell to the ground. Deputy Barrios again ordered Suspect Lusk to surrender, but the suspect raised his left hand, pointing it at Deputy Barrios. Believing the suspect was pointing a handgun in his direction, Deputy Barrios again fired at the suspect.

Suspect Lusk sustained multiple gunshot wounds to his upper torso. He was treated at the scene by Los Angeles County Fire Department station #41, and subsequently transported to Saint Francis Hospital via ambulance. Suspect Lusk was pronounced dead at 2100 hours by Dr. Koplovsky.

Subject [redacted] was located in yard east of where the suspect's car was abandoned. He was taken into custody without incident.

The incident was documented on a sheriff's crime report, bearing File Number 011-07901-2131-013. The investigation was being handled by Homicide Bureau Personnel.

Internal Affairs Bureau Lieutenant Stefanie Fredericks was notified. She along with Sergeants Scott Graham and John Rossi responded to Century Station, to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, and involved deputies.

IAB SHOOTING / FORCE TEAM

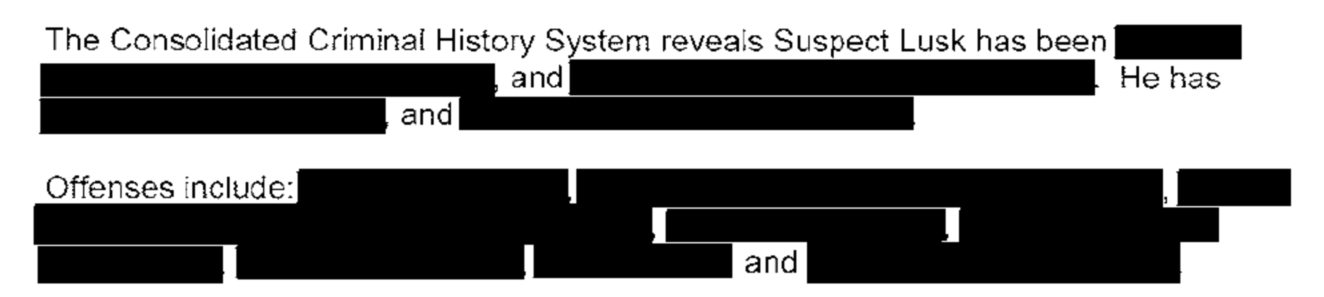
Lieutenant Stefanie Fredericks, Sergeant Scott Graham, and Sergeant John Rossi.

INVOLVED PERSONNEL

Barrios, Oscar, Deputy #[redacted]	MH/29	5-09	195	Right Handed
Region II Patrol - Century Station				
Date of Employment:	08-04-2004			
Date Assigned to Patrol:	[redacted]			
Date Completed Patrol Training:	[redacted]			
Date of Range Qualification	[redacted]			
Prior Shooting Incidents:	[redacted]			
Prior Founded Force Incidents:	[redacted]			

SUSPECT

Lusk, William Clay MH/19 (Deceased)



The Consolidated Criminal History System reveals Suspect Lusk has been [redacted], and [redacted]. He has [redacted], and [redacted]

Offenses include: [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted] and [redacted]

Suspect Lusk is a member of the "Santa Monica 17 Street" Gang and goes by the moniker of "Chucky," or "Nasty."

IAB NOTE: Suspect Lusk's Criminal History Report is included in this case book. See **Exhibit F.** Photographs of Suspect Lusk are also included. See **Exhibit F.**

IAB NOTE: Suspect Lusk was on formal probation for "Ex-Felon in Possession of a Firearm" at the time of this incident.

SUBJECT

[redacted] MH/17

The Consolidated Criminal History System reveals Subject [redacted]. He has one [redacted]

IAB NOTE: A photograph of Subject [redacted] is also included. See **Exhibit A, page 64**.

EMPLOYEE WITNESSES

Garcia, Antonio - #[redacted] Deputy Sheriff

NON-EMPLOYEE WITNESSES



[redacted] - DOB [redacted]

[redacted] - DOB [redacted]

[redacted] - DOB [redacted]

IAB NOTE: Several of the neighboring houses were canvassed for potential witnesses. None of the persons contacted saw the incident, several only heard it. Their statements are documented on several supplemental reports. See **Exhibit A, pages 18-25**.

INJURIES

Suspect Lusk:

Sustained multiple gunshot wounds to his upper torso. He is deceased.

Deputy Personnel:

None.

PHYSICAL EVIDENCE

Fourteen expended 9MM casings were found.

IAB NOTE: For a complete listing of physical evidence collected at the scene, See **Exhibit A, pages 48-51.**

DISTANCE

Seven to ten feet.

INVESTIGATOR OBSERVATIONS

On May 25, 2011, the Internal Affairs Bureau's Force and Shooting Response Team responded to the unincorporated Willowbrook area regarding a deputy involved, hit shooting. The team consisted of Lieutenant Stefanie Fredericks, and Sergeants Scott Graham and John Rossi. Attorney Diana Teran of the Office of Independent Review also responded.

> **IAB NOTE**: IAB Lieutenant Stefanie Fredericks checked to see that the Watch Commander, Sergeant J. Bardon, #[redacted] took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant Stefanie Fredericks checked to see if the watch commander attempted to have the involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.

Upon their arrival, they learned that there was an active command post and containment of the crime scene area. Investigators learned the series of events that occurred, culminated into a deputy involved, hit shooting involving Deputy Oscar Barrios. The personnel involved in the incident were uniformed patrol deputies.

The criminal investigation was handled by Homicide Bureau Detectives Dameron Peyton, and Margarita Barron. They entered the crime scene with Sheriff's Crime Lab Personnel. They documented their actions and findings on Supplemental Reports. See **Exhibit A, pages 40- 47.**

> **IAB NOTE:** Photographs of the scene are included in this case book. See **Exhibit C**. A sketch of the scene is also included, See **Exhibit D.**

REVIEW OF RADIO TRANSMISSIONS

Internal Affairs Investigator Scott Graham reviewed the radio broadcast during the incident. On the recording at (2030:11 Hours), a unit advises, "10-33, give me the patch." At (2030:15 Hours), SCC acknowledges and put the unit on the patch. At (2030:17 Hours), the unit advises of a "10-29 V" and puts out the location. At (2030:25 Hours), SCC advises there are two units transmitting. Between (2030:31- 2030:39 Hours), there is garbled radio traffic. At (2030:39 Hours), SCC asks 214E for their location. At (2030:43 Hours), 214E advises their location and begins to set up a containment. At (2030:51 Hours), an aero unit transmits over 214E advising, "10-33" and begins advising of a suspect, and location. Between 2030:51 and 2032:44, the aero unit advises of the suspect's location and directs deputy personnel where to go. There are also multiple units transmitting at the same time. At (2032:44 Hours), a female voice is heard stating "998," and other units attempt to transmit. SCC acknowledges the "998," and until (2033:44 Hours) attempts to get the units location.

Between these times, numerous units are transmitting over each other, and the aero unit is directing ground personnel. At (2033:44 Hours), 214E advises his status. Other units request paramedics for the suspect and give further updates.

IAB NOTE: A recording of Dispatch Four emergency radio traffic is included in this case book. See **Exhibit B**.

LIGHTING AND WEATHER CONDITIONS

It was dark out with minimal ambient lighting when the incident occurred (2030 hours).

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Barrios:

Service Weapon Type:	Beretta 9 millimeter Semi-Automatic
Rounds Fired:	Sixteen
Type of Ammunition Used:	Department issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

IAB NOTE: An examination of Deputy Barrios' firearm by Homicide detectives indicated he had shot a total of sixteen rounds. Fourteen expended, 9 MM casings, were recovered at the scene. See **Exhibit A, page 49**. The firearm was taken as evidence by Sheriff's Crime Lab. See **Exhibit A, page 63.** It was examined and found to be fully functional. See **Exhibit E**.

WEAPONS USED BY SUSPECT

None recovered.

IAB NOTE: Investigators were advised by Operation Safe Streets K-9 Deputy Edmund Garnica, that his Gun Detection Dog had alerted in two different locations of the "Stolen" vehicle. The first location was the driver's seat and floorboard area. The second location was on two white hand towels in the engine compartment. See the Supplemental report authored by Deputy Garnica. See **Exhibit A page 28.**

IAB NOTE: GSR kit #C3855 was collected by Forensic Attendant, L. Cervantes, on 05-26-11, at 1326 hours, from Suspect Lusk. On June 2, 1011, investigators received a forensic report from Analyst Steven J. Dowell. The test results were "Positive" for gun shot residue.

See Supplemental report authored by Detective Peyton **Exhibit A, page 59.** See the Forensic Report **Exhibit A, Page 82.** See also Coroner's Report **Exhibit A, page 110.**

PROPERTY DAMAGE

A portion of the wooden fence was damaged as a result of the Sheriff's Department, and Fire personnel removing it to render aid to Suspect Lusk.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators: Homicide Bureau - Detectives Dameron Peyton and Margarita Barron.

Charges Filed: Grand Theft Auto, 487(d)(1) P.C., was filed against Subject [redacted] The case was filed at Los Padrinos Juvenile Court.

INVOLVED EMPLOYEE'S STATEMENTS

Involved Deputy Oscar Barrios, #[redacted] was interviewed by Homicide Detectives Dameron Peyton, #[redacted] and Margarita Barron, #[redacted] at Century Station on May 26, 2011, at 0130 hours. The interview was audio-recorded.

Deputy Barrios explained to Homicide Investigators that he has been assigned to Century Sheriff's Station since 2005. He is currently assigned to patrol. He was working unit 214E, which is an overlap unit. His shift began at [redacted] and ended at [redacted] Deputy Barrios was assigned to unit 214E, with his partner Deputy Antonio Garcia, #[redacted] Deputy Barrios was the driver, and Deputy Garcia was the "bookman" (passenger) in the vehicle.

Deputy Barrios said he was driving eastbound on 120th Street, approaching Wilmington Avenue, when a vehicle came to his attention. The vehicle was traveling westbound on 120th Street toward them. Deputy Barrios was able to obtain the license plate as the vehicle passed. He ran the plate via their mobile digital computer and received a return, via Sheriff's Radio Communications, which indicated that the vehicle had been reported "Stolen" out of the city of Santa Monica. Acting on the information obtained, he made a U-turn and attempted to locate the vehicle, which was now out of view.

Deputy Barrios traveled westbound on 120th Street, and began his search for the vehicle along neighboring and adjacent streets. While traveling eastbound on 118th Street, he saw brake lights illuminating from the north on Robin Street. Deputy Barrios drove northbound on Robin Street, from 118th Street, to investigate the vehicle he had seen. He found that the vehicle that was braking was not the suspect vehicle. He turned southbound on Robin Street, and came to a stop at the intersection of 118th Street and Robin Street. While stopped, Deputy Barrios saw the white sport utility vehicle (suspect vehicle), slowly approaching Robin Street, westbound on 118th Street.

Deputy Barrios immediately illuminated the interior of the suspect's vehicle, utilizing his patrol vehicle's driver's side spotlight. Deputy Barrios could see the interior of the vehicle and was focused on the driver. The suspect vehicle made a right turn and drove northbound on Robin Street, passing Deputies Barrios and Garcia.

Deputy Barrios said as the suspect vehicle was adjacent to his patrol vehicle, the driver, (identified as Suspect Lusk) reached through the open driver's side window of the vehicle, and with his outstretched left arm, produced a dark metal, semi automatic pistol. The suspect pointed it at Deputies Barrios and Garcia. Fearing he would be shot or killed, Deputy Barrios yelled out, "Gun, gun," and ducked down beneath the level of the dashboard in an attempt to gain cover. He remembers Deputy Garcia jumping out of the passenger's side door and taking a position on the street. Barrios pointed his weapon toward the suspect vehicle, as it continued northbound on Robin Street.

Deputy Barrios immediately turned his vehicle around to pursue the suspect vehicle. Deputy Barrios said as he made his turn, he broadcasted via Sheriff's radio that he had an "Assault with a Deadly Weapon" suspect driving northbound on Robin, the suspect had just assaulted them, and was in possession of a firearm.

After completing his turn, Deputy Barrios paused long enough to allow Deputy Garcia to get back into the patrol vehicle. They continued after the vehicle and found that it had come to a stop at the end of the cul-de-sac. Deputy Barrios said the vehicle's driver's side door was open, and the suspect(s) had fled.

Deputies Barrios and Garcia exited their patrol vehicle. Deputy Barrios waited as Deputy Garcia cleared the suspect's vehicle of occupants. Once the vehicle was cleared, Deputy Barrios proceeded on foot, westbound along a driveway leading to the carport area of [redacted] S. Central Avenue. Deputy Barrios described the carport as being poorly lit. He explained that he was able to navigate the area utilizing ambient lighting and the tactical light affixed to his departmentally approved duty weapon.

Deputy Barrios saw a staircase along the south side of the carport, and felt he had to clear that staircase to ensure the suspect was not there. Deputy Barrios said he remained in the walkway, adjacent to a wooden fence, along the east side of the carport. He slowly approached the staircase utilizing quick bursts from his tactical light. As he glanced up the staircase, he could see through his peripheral vision the suspect was crouched down between a large tree and the fence line. Deputy Barrios described the suspect's positioning as, "Lying in wait," as he was confronted. Deputy Barrios immediately turned to the suspect and ordered him to show his hands. The suspect did not comply. Deputy Barrios repeated his orders for the suspect to show him his hands. The suspect reached into his waistband, and pulled his hand away from his waistband, in a drawing motion, toward Deputy Barrios. Fearing that he would be shot and killed, Deputy Barrios fired several rounds at the suspect. Deputy Barrios saw the suspect re-positioning in a crouched position behind the tree, and then moving eastbound along an adjacent fence line. Deputy Barrios also re-positioned himself to gain cover, behind the tree, and to assess where the suspect had gone.

Deputy Barrios looked around the tree, and down the fence line, to find the suspect. The suspect was on his right side with his left side bladed toward Barrios. Deputy Barrios ordered the suspect again to show him his hands. The suspect, instead, pulled his left hand from his waistband area and extended his arm toward Deputy Barrios in a drawing motion. Fearing again for his life, Deputy Barrios fired several more rounds at the suspect.

Deputy Barrios conducted a tactical reload during his engagement with the suspect, and does not recall the number of rounds he fired. At the conclusion of the encounter, Deputy Barrios said he called for paramedics and secured the crime scene, pending further investigation.

Deputy Barrios was armed with his departmentally approved duty weapon, described as a Beretta 92Fs, Serial #BER[redacted] Deputy Barrios explained that he loads his weapon with fifteen rounds in the magazine, and one round chambered in the weapon. Deputy Barrios had fourteen live rounds left in his magazine and one live round in the chamber. Due to the information regarding the manner in which Deputy Barrios loaded his weapon, investigators determined that Deputy Barrios fired sixteen rounds during this incident. Investigators Peyton and Barron took custody of Deputy Barrios' weapon, pending test fire and examination. Deputy Barrios was uninjured as a result of this incident.

For Deputy Barrios' complete statements, refer to his verbatim interview transcripts.

HOMICIDE RE-INTERVIEW OF DEPUTY OSCAR BARRIOS

On Monday, July 11, 2011, at 1705 hours, Investigator Barron re-interviewed Deputy Oscar Barrios. This interview was conducted in an office inside the Detective Bureau at the Century Sheriff's Station. Deputy Barrios was informed that Investigators had additional questions regarding this incident. Deputy Barrios was advised he had the right to have his representative present during the interview process, which he declined. Deputy Barrios was able to listen to the radio traffic regarding this incident, in an effort to refresh his memory. After listening to the radio traffic, Deputy Barrios said he requested "10-33" traffic, (Request Emergency Clearance) and requested the "Patch." At that time, he broadcasted the "998," (Officer involved shooting), and informed SCC that no deputies were injured. Deputy Barrios said he remembered additional units were transmitting simultaneously and believes his transmission was blocked.

Deputy Barrios said during the course of the incident, it was difficult to transmit over the radio due to the high volume of radio traffic, from deputies transmitting they were responding or on scene. Deputy Barrios' broadcast of his initial contact with the armed suspect, as well as the 998, may not have been heard due to excessive overlapping of radio traffic. Deputy Barrios said he again attempted to transmit over the radio only to be interrupted by an aero unit that was transmitting simultaneously.

Deputy Barrios said he saw Subject [redacted] during his initial observation of the suspects, at the time he first encountered the "Stolen" vehicle. Subject [redacted] was seated in the right-front passenger seat of the vehicle. Deputy Barrios said he subsequently relayed the description of Subject [redacted] after the shooting. Deputy Barrios said he did not search the suspect vehicle. He said at the conclusion of the shooting, he was transported to the station where he remained.

For Deputy Barrios' complete statements, refer to his verbatim interview transcripts.

INTERNAL AFFAIRS INTERVIEW OF DEPUTY BARRIOS

Deputy Oscar Barrios was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Fred Reynolds on August 24, 2011, at 1045 hours. The interview was digitally audio-recorded.

Deputy Barrios answered questions relative to tactics. Deputy Barrios said that they ran a vehicle and it returned as "Stolen." Due to traffic, they were unable to catch the vehicle. They broadcast the last seen location, and began to check the area in order to locate the vehicle.

While checking the area of 118th Street and Robin Street, they saw the "Stolen" vehicle approaching the intersection. Deputies Barrios and Garcia were in their patrol car facing south on Robin Street. The suspect vehicle was traveling westbound on 118th Street. When they met at the intersection, Deputy Barrios illuminated the suspect vehicle with his spotlight. The suspect vehicle quickly accelerated north on Robin Street. As it drove past the deputies, the driver (Suspect Lusk) extended his left arm out of the window and pointed a semi-automatic hand gun at them.

Deputy Barrios said that fearing he or his partner would be killed, he immediately leaned back while pulling out his gun. He yelled out, "Gun, gun," to his partner. Deputy Garcia got out of the car and took a position at the back passenger side of the patrol car. Deputy Barrios said that he requested the "Patch" and began to make a U-turn. After he turned the car around, Deputy Garcia got in the car and they drove northbound to catch up to the suspect vehicle. He said his intent was to conduct a Felony Traffic stop, request an air ship, and units Code-3 to his location to extract the driver and the passenger.

Deputy Barrios said that he put out the pertinent information about the suspect, including the last seen direction and that the suspect had a gun. They drove to the end of the cul-de-sac and saw the suspect vehicle had stopped. He positioned their radio car a considerable distance form the suspect vehicle to conduct a felony stop. He noticed that driver's door was open. He and Deputy Garcia approached the suspect vehicle and determined that no one was inside. They proceeded north on Robin Street, toward the property on the westside, south of the 105 freeway. Deputy Barrios said that having worked the area for in excess of three years, he knew that being a summer night, a lot of citizens walk, and children play on this street. At this point an aero unit came overhead.

The aero unit advised them of a male proceeding eastbound from Central Avenue, back toward Robin Street. Deputy Garcia indicated that he saw the top of a bald head as they approached the end of the driveway. He said they never went in foot pursuit of the suspect, but moved as tactically sound and quick as he could.

Deputy Barrios said that Deputy Garcia was handling the radio traffic, but the aero unit requested the "Patch" and transmitted over Deputy Garcia. He said the aero unit was "very controlling" of the radio traffic.

Deputy Barrios said that he encountered problems with the radio traffic during this incident.

Believing the suspect was armed, he said they moved in a manner that they felt was safe and slow, based on the training tactics they used on a daily basis. He said that he was going to alert the residents about the armed suspect, as well as taking a containment position.

He and Deputy Garcia continued walking and clearing the area. As they approached the car port area, he was asked why he did not wait and form a search / arrest team. He stated, "*At that point due to the fact that we were dealing with an armed suspect, it was something that crossed my mind. I've already committed so I don't feel safe in retreating from that point for lack of a better term. There were a number of instances that were going through my mind as far as this could turn into a hostage rescue situation, this could turn into a barricaded suspect. If there was a, a young child or a pedestrian coming home from work or walking around in that area. It was in the back of my mind, I'm dealing with a poten...an armed suspect who could potentially take this person hostage and make the situation worse. So different factors were running through my mind as well as forming an arrest team....*"

Deputy Garcia remained at the east fence line, as Deputy Barrios continued clearing west. He said he felt that Deputy Garcia was a safe distance from him, in case either of them needed to assist each other.

As Deputy Barrios was clearing the open car port area, he came to a stair case that led to the apartments. He did not feel it was safe to pass them without clearing them first. As he passed them, he noticed there was an area he needed to clear. As he did this, he saw to his left side a figure of a white T-shirt behind a large tree.

Barrios saw a male Hispanic adult crouched behind the tree, next to a fence. He was crouched in a position where Deputy Barrios could not see his left hand. The suspect's hand was underneath his T-shirt, toward the front of his waistband. Deputy Barrios pointed his light at the suspect and immediately recognized him as the driver of the "Stolen" vehicle that had pointed a gun at him. He told the suspect to show his hands several times.

Deputy Barrios described the suspect's actions stating, "*When I initially encountered the suspect hiding behind the tree, I could see his left hand underneath his shirt towards his waistband. I could see his face. He kind of popped his head out looking at me. When I asked him to show me his hands, he made a simultaneous motion of an upward movement, which isn't consistent to me of a, of a suspect typically presenting their hands in the air, laying on the ground or coming out as to not pose a threat to myself.*"

Deputy Barrios further said that the suspect's action mimicked removing a concealed firearm from underneath his shirt, in an upward manner, to the center of his chest, not out to the sides of his body.

Because the suspect did not comply with his verbal commands, coupled with his hand motion, Deputy Barrios feared for his safety and fired several rounds from his hand gun. He said that it did not appear that his rounds had struck the suspect.

Barrios attempted to take a tactical angle next to a fence post, believing the suspect would come out from behind the tree and engage him. As he attempted to gain a tactical advantage, next to the fence post, he heard a scuffling sound from behind the tree. Deputy Barrios saw the suspect had gone to a small area through the south fence line.

> **IAB NOTE:** The staircase is approximately four feet from the first shooting position.

Deputy Barrios did not want to retreat, or give up ground at that time. He decided to take cover behind the large tree the suspect had been hiding behind. Deputy Barrios said that at this time he did a tactical reload of his gun, because he was not sure how many rounds he had fired.

Deputy Barrios used several bursts of light from his tactical light on his gun to see where the suspect had moved to. He saw the suspect's body was bladed from his, and described it as, "A three quarters crouching position." The suspect was looking back over at him, over his left shoulder. Deputy Barrios said the suspect's hands were concealed under his shirt. The suspect began to stand up while making an upward motion with his hands. Believing he was going to retrieve a firearm, Deputy Barrios fired several more rounds at the suspect. He said that at this point it appeared the suspect was no longer at threat to him, so he attempted to broadcast over the radio that he had been involved in a shooting, his location, that no deputies were injured, and he needed medical rescue for the suspect.

Deputy Barrios said he was aware of his shooting background, and he did gain target acquisition utilizing his sights.

> **IAB NOTE:** During his interview, Deputy Barrios was shown aerial photographs of the scene. Deputy Barrios was asked to mark his, and the suspect's position, when the incident occurred. See **Miscellaneous Documents**.

For Deputy Barrio's complete statements, refer to his verbatim interview transcripts.

EMPLOYEE WITNESSES

Witness Deputy Antonio Garcia, #[redacted] was interviewed by Homicide Detectives Dameron Peyton and Margarita Barron at Century Station on May 26, 2011, at 0224 hours. The interview was audio-recorded.

Deputy Antonio Garcia said he has been employed as a Deputy Sheriff since 1999. He is currently assigned to the Century Sheriff's Station, as a Field Training Officer.

Deputy Garcia said on Wednesday, May 25, 2011, he was working patrol, assigned to Unit 214E, which is a PM overlap unit starting at [redacted] and ending at [redacted] His assigned partner was Deputy Oscar Barrios. Deputy Garcia explained that Deputy Barrios was the driver, and he was the passenger, in their marked black and white patrol vehicle. Both deputies were dressed in Class "A" uniforms.

Deputy Garcia said he and his partner, Deputy Barrios, were traveling eastbound on 120th Street, approaching Willowbrook Avenue, when his partner ran the license plate of a vehicle traveling westbound on 120th Street. Deputy Garcia said as they continued southbound on Willowbrook Avenue, they received information on their "MDT" (Mobile Digital Computer) and via SCC (Sheriff's Communication Center), that the license plate returned as "Stolen." It was later determined the vehicle had been stolen on Tuesday, 05/24/11, from the City of Santa Monica.

Deputy Garcia said they immediately made a U-turn and immediately encountered some traffic. They continued traveling westbound on 120th Street, at which time Deputy Garcia said he was able to see the suspect vehicle, west of Wilmington Avenue. Deputy Garcia said he advised SCC that they were attempting to re-locate the suspect vehicle, and he also requested Sheriff's Aero Bureau to respond to their location.

Deputy Garcia said when they arrived at Compton Avenue and 120th Street, they saw the suspect vehicle traveling northbound on Parmelee Avenue, and then proceed westbound on 118th Street. At that point, Deputy Garcia said they again lost sight of the suspect vehicle and began searching the immediate area.

Deputy Garcia said he and his partner continued looking for the suspect vehicle. They were traveling southbound on Robin Street when they arrived at 118th Street. They saw the suspect vehicle traveling westbound on 118th Street, approaching the intersection at the same time. The suspects in the "Stolen" vehicle turned northbound on Robin Street from 118th Street. As the suspects drove by the deputies, the driver in the suspect vehicle (later identified as Suspect Lusk) used his left hand to point a gun in their direction. Deputy Garcia said he and his partner simultaneously yelled, "417, 417," (radio code for Exhibit Firearm / Dangerous Weapon). Deputy Garcia said, fearing they were going to engage the suspect in a gun fight, he retrieved his handgun from his holster and immediately exited the passenger side of his patrol vehicle. He took a position of cover at the rear of his patrol vehicle. Deputy Garcia said he aimed at the suspect vehicle as the vehicle drove past them. Deputy Garcia said he could clearly see the driver of the suspect vehicle, and was also able to see a male seated in the right-front passenger seat.

Deputy Garcia said the suspect vehicle continued traveling northbound on Robin Street, as Deputy Barrios made a U-turn. Once turned, Deputy Garcia got back in his patrol vehicle and requested the "patch." At this time, Deputy Garcia broadcasted, via this frequency, that he had a "10-29V" (Sheriff's radio code for stolen vehicle), and provided the suspect's direction of travel. Deputy Garcia advised that the suspect vehicle was traveling northbound on Robin Street, just south of the 105 Freeway.

Deputy Garcia said he and his partner continued traveling northbound on Robin Street, and by the time they arrived at the cul-de-sac of Robin Street, the suspect vehicle was parked and the driver's side door was open. Deputy Garcia indicated he saw a "glimpse" of Suspect Lusk running westbound, down a long driveway, on the west side of the street. Deputy Garcia said at that time, Aero Bureau arrived and was informing them of the suspect's direction of travel. Deputy Garcia indicated that there was some lighting in the driveway; however, the area where the shooting occurred was poorly lit.

Deputy Garcia said he initially approached the suspect vehicle and made sure there were no occupants inside. Deputy Garcia said assisting units were responding to their location, and at this time, he and his partner proceeded down the driveway in an effort to maintain a containment for the fleeing suspect.

Deputy Garcia said he continued walking to the end of the driveway, toward the carport area of the apartment complex. Deputy Garcia held his position at the carport. Deputy Garcia said his partner continued moving forward, toward the area where Aero Bureau was informing them of the suspect's location. Deputy Garcia said when his partner, Deputy Barrios, got to the stairs, which lead to the upstairs apartments, Deputy Garcia said he heard Deputy Barrios yelling commands at the suspect. He heard, "Let me see your hands, let me see your hands." A few seconds later, Deputy Garcia said he heard gun shots. Deputy Garcia did not fire his weapon during this incident.

Deputy Garcia said he did not see the shooting, and by the time he moved forward toward his partner, the shooting was over. Deputy Garcia said he then requested paramedics. The suspect was subsequently treated by paramedics and transported to St. Francis Hospital.

Deputy Garcia said once the shooting was over, he saw Suspect Lusk and recognized him from an earlier contact that he and Barrios had made about an hour before the shooting incident. Deputy Garcia said they had conducted a pedestrian stop at [redacted] in which Suspect Lusk was detained with another male who was drinking beer in public. At that time, Suspect Lusk told them he was on probation for a gun charge; however, upon checking further, Deputy Garcia said Suspect Lusk was actually on probation for vehicle theft. Suspect Lusk also admitted he was a gang member from the "Santa Monica 17th " Street gang. Deputy Garcia said Suspect Lusk was also searched, and at that time he had a vehicle key inside his right front pant's pocket. Deputy Garcia said he noted that the key had a bent key ring. Suspect Lusk and the male drinking beer were warned and advised regarding the drinking in public and released.

Deputy Garcia said he later noticed that the key left inside the stolen vehicle ignition was the same key that Suspect Lusk had inside his pant's pocket from the earlier contact.

For Deputy Garcia's complete statements, refer to his verbatim interview transcripts.

HOMICIDE RE-INTERVIEW OF DEPUTY GARCIA

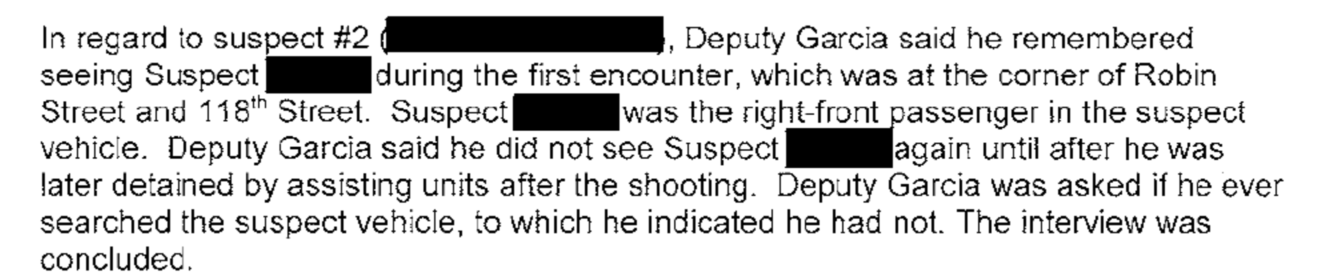
On Monday, July 11, 2011, at 1630 hours, Investigator Barron re-interviewed Deputy Antonio Garcia. After reviewing all the reports and interviews, investigators had additional questions for Deputy Garcia regarding this incident. Investigator Barron advised Deputy Garcia he had the right to have his representative present during the interview process, which he declined. This interview was conducted in an office inside the Detective Bureau at the Century Sheriff's Station.

Deputy Garcia was given the opportunity to listen to the radio traffic broadcast on the night of the incident, in an effort to refresh his memory of the events. Deputy Garcia said he informed Sheriff's Communications Center (SCC) of the "998," (officer involved shooting) as he was walking toward Deputy Barrios. Deputy Garcia's broadcast was either before Deputy Vital's broadcast of the "998," or both Deputies Garcia and Vital spontaneously broadcasted the "998." Deputy Garcia said there were several units attempting to transmit radio traffic during this incident.

Deputy Garcia explained that he initially requested the patch (open frequency) to broadcast their initial sighting of the stolen vehicle.

As Garcia began broadcasting information, regarding the stolen vehicle and last known direction, additional units were also transmitting at the same time. Deputy Garcia remembered SCC advised over the radio that "two units" were transmitting at the same time.

Deputy Garcia said he continued his broadcast indicating the suspect's last seen direction of travel. During this portion of the broadcast, Deputy Garcia said he attempted to inform area units that the driver of the stolen vehicle was "417," (in possession of a firearm,) and had "245ed," (Assault with a Deadly Weapon) deputies. During that broadcast, he was interrupted by an aero unit. The aero unit requested "10-33 traffic," (request emergency clearance). The aero unit was given control of the dispatch frequency at that time.



In regard to suspect #2 [redacted], Deputy Garcia said he remembered seeing Suspect [redacted] during the first encounter, which was at the corner of Robin Street and 118th Street. Suspect [redacted] was the right-front passenger in the suspect vehicle. Deputy Garcia said he did not see Suspect [redacted] again until after he was later detained by assisting units after the shooting. Deputy Garcia was asked if he ever searched the suspect vehicle, to which he indicated he had not. The interview was concluded.

For Deputy Garcia's complete statements, refer to his verbatim interview transcripts.

INTERNAL AFFAIRS INTERVIEW OF DEPUTY GARCIA

Deputy Antonio Garcia was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Fred Reynolds on August 24, 2011, at 1154 hours. The interview was digitally audio-recorded.

Deputy Garcia answered questions relating to tactics. He said that he and Deputy Barrios had been partners for about three months. They had discussed tactics and training, relating to high risk situations.

While working on May 25, 2011, they had run a random plate via the MDT. It returned as a "stolen" vehicle. They were not able to catch up to the vehicle. They later found the vehicle at the intersection of 118th Street and Robin Street. The vehicle a was headed westbound 118th, as they were southbound on Robin. The vehicle made a northbound turn onto Robin St.

As the stolen vehicle passed their radio car, the driver (Suspect Lusk) pointed a gun out of the driver's side window using his left hand. Deputy Garcia said that he jumped out of the car as Deputy Barrios yelled out "417." He went to the rear trunk area of the radio car, to take cover, thinking he might engage the suspect from that area. Deputy Garcia described the suspect's actions. He said that while the suspect was driving, he "ducked down" as he pointed the gun out the window. Deputy Garcia said the suspect probably did this to take cover as he drove past them. Deputy Garcia said that he saw someone seated in the passenger seat, but really did not get a good look at him.

Deputy Barrios made a U-turn and picked up Deputy Garcia. He began to transmit their status via the "Patch." Deputy Garcia said there was feedback on the radio.

They proceeded north on Robin Street, until they saw the stolen vehicle stopped at the end of the cul-de sac. The vehicle was at a complete stop, driver's door open, and no one standing around. The vehicle was unoccupied. Deputy Garcia said that he saw the silhouette of the top of a head running westbound, down a driveway, on the westside of Robin Street.

Deputy Garcia said he exited their car first. He approached the "stolen vehicle" and saw it was empty. He cleared the car and saw Deputy Barrios going down the driveway on the westside of the street. He followed behind him, as an aero unit came overhead.

As they went down the driveway, he saw that it was empty. They moved in to contain, but they were also concerned for the residents of the apartment building. He said that he has done numerous traffic stops at the location and knows that there are always kids and families out at this complex.

Deputy Garcia said they never went in foot pursuit of the suspect, but they moved at a fast pace while clearing the area. While clearing the driveway, aero came overhead and began broadcasting that the suspect was over on Central Avenue, and now eastbound in the parking lot.

They came to a fence line that runs north to south from the driveway. Deputy Barrios began to clear the carport under the apartment complex. Deputy Garcia remained at the driveway to cover him, the west side of the parking lot, the north side toward the freeway, and east down the driveway making sure the suspect did not double back on them.

Garcia said Deputy Barrios began to clear the carport area. He was asked how far Deputy Barrios was from him before he thought they should stop and contain the area. He Stated: "*Well, it was all just too, too rapid and it all unfolded too rapidly that really...I mean it wasn't like we had time here to like stand by here and just like say okay, now what do we do. It was...again it was all rapidly evolving. Aero's calling it out and we're...I'm holding here just to watch our back and, and stuff in here and watch....*"

Garcia said Deputy Barrios continued clearing the carport area and to him, it was just to secure the area and hold it. He said that they were in the frame of mind to contain the area, with civilian safety in mind. He was asked if he if believed the suspect was armed, why did they not slow down. He said they really did not think they were rushing anything, other than they were just moving to contain.

He held his position and was going to direct assisting units in. He also said that they moved based on the aero unit's instructions over the radio. Deputy Garcia stated, "*Yes. Well yeah, it almost...yeah, it kind of seemed like we kind of got dragged into him directing us to it, but again I...my, my concern here was just to hold here and watch my partner and watch our back here.*"

Deputy Garcia was asked if Deputy Barrios knew he was holding the corner position. He said that Deputy Barrios looked back and knew he was standing there. He said that he felt that he was close enough to Deputy Barrios to assist him if needed.

> **IAB NOTE:** Deputy Garcia was approximately 20 feet from Deputy Barrios when he first fired at Suspect Lusk.

Deputy Garcia said he heard Deputy Barrios give real quick commands, and then started firing. When Deputy Barrios fired the first time, he saw him by the staircase of the apartment. The stair case is connected to the carport.

> **IAB NOTE:** The staircase is approximately four feet from the first shooting position.

He said that he went to assist Deputy Barrios. By the time he got to where Deputy Barrios was, the shooting was over. He said that he attempted to broadcast the shooting, via his radio, but another deputy was putting it out also. He was not sure if they were "stepping" over each other.

Deputy Garcia did not see the shooting take place, but he did see Deputy Barrios, and did hear the gunshots.

For Deputy Garcia's complete statements, refer to his verbatim interview transcripts.

RUSSELL HELBING, #[redacted]

Witness Deputy Russell Helbing was interviewed by Homicide Detectives Dameron Peyton and Margarita Barron, at the Los Angeles County Sheriff's Department Aero Bureau on May 30, 2011, at 1800 hours. The interview was audio-recorded.

Deputy Helbing said he was the observer in their aircraft on the night of the incident. They were flying in the area of South Gate, monitoring an incident that had just taken place, when he heard the call from Century Sheriff's Station area of a lost stolen vehicle. The vehicle was said to be last seen in the area of 118th Street and Robin Street, in the unincorporated area of Los Angeles County. They began to head to that area to assist in locating the outstanding stolen vehicle.

Upon their arrival over the area, Deputy Helbing saw a white vehicle come to a stop at the end of the cul-de-sac of Robin Street, at the 105 Freeway. Deputy Helbing initially could see the area un-aided by the "Night Sun" spotlight. Deputy Helbing saw a male suspect run from the driver's side door, in a south/west direction, along a driveway to a covered carport area. Deputy Helbing watched as the male ran from underneath the carport area, westbound toward Central Avenue. At that time, the "Night Sun" was illuminated lighting the area in which the male was running.

The male suspect stopped his advance and retreated underneath the carport area. Deputy Helbing was able to see the suspect huddled beneath a large tree, adjacent to the carport. Deputy Helbing began to direct deputies to where the suspect was seen hiding. He could see deputies approaching the suspect, as he and Deputy Looney continued their orbit around the area. Prior to concluding their orbit, Deputy Helbing heard a male voice broadcast a "998" (Deputy Involved Shooting) over the Sheriff's radio. Deputy Helbing believes the "998" call was voiced over the direct radio frequency. The direct frequency is commonly used by deputies when the Aero unit is overhead. This practice is utilized to assist Aero in hearing deputy personnel clearly during an incident. Additionally, Deputy Helbing said when the direct frequency is utilized, the sound in his headset is more clear, which is what Deputy Helbing heard when the "998" was initiated. Deputy Helbing said he did not see the shooting.

For Deputy Helbing's complete statements, refer to his verbatim interview transcripts.

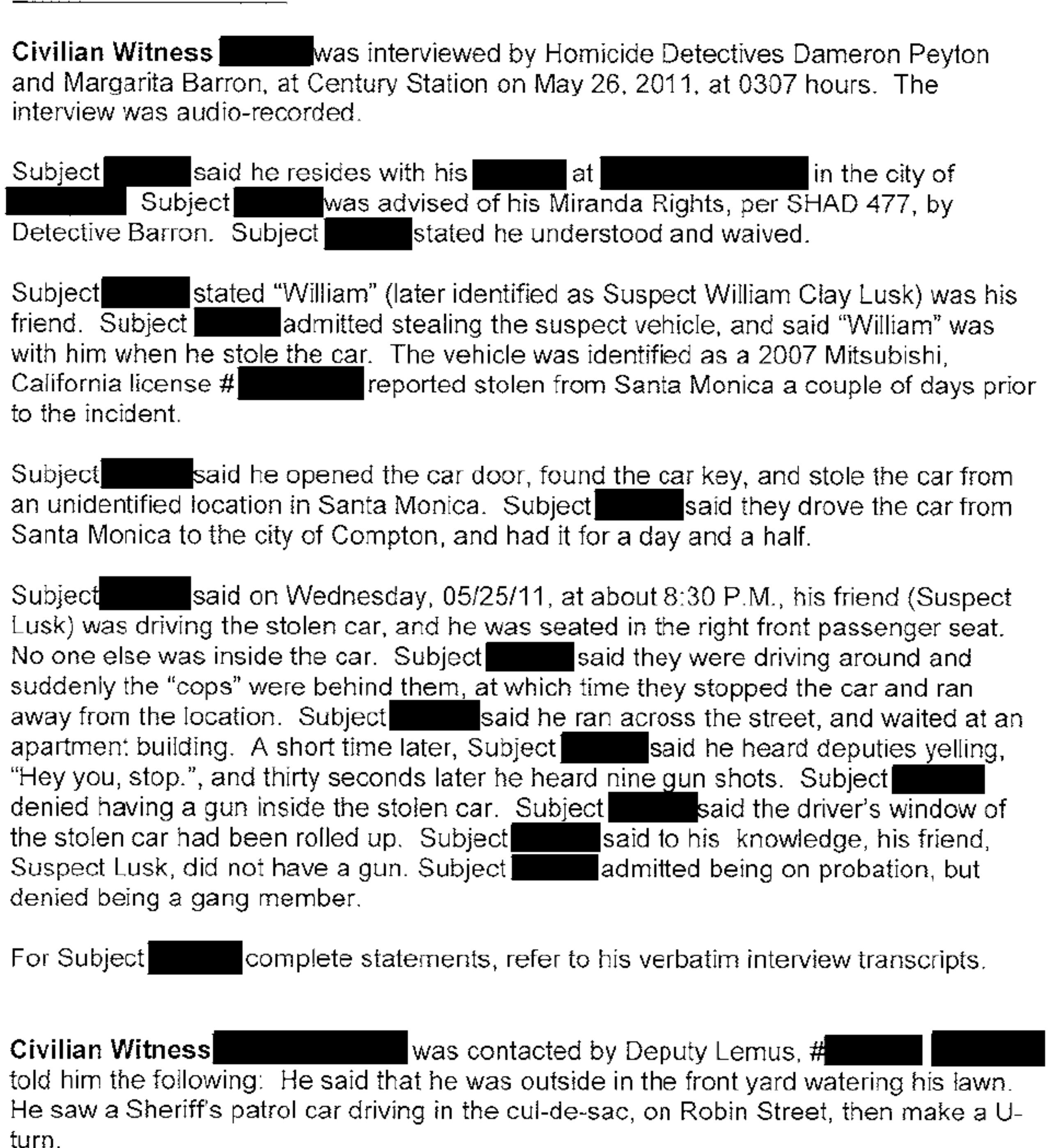
EDWARD LOONEY, #[redacted]

Witness Deputy Edward Looney was interviewed by Homicide Detectives Dameron Peyton and Margarita Barron, at the Los Angeles County Sheriff's Department Aero Bureau on May 30, 2011, at 1800 hours. The interview was audio-recorded.

Deputy Looney said he was the pilot in their aircraft on the night of the incident. They were flying in the area of South Gate, monitoring an incident that had just taken place, when he heard the call from Century Sheriff's Station area of a lost stolen vehicle. The vehicle was said to be last seen in the area of 118th Street and Robin Street, in the unincorporated area of Los Angeles County. They began to head to that area to assist in locating the outstanding stolen vehicle.

Deputy Looney said his main responsibility is to fly the aircraft. He has to monitor air traffic, watch for wires, trees, or other airborne obstructions, and monitor the air traffic radio frequency. He said he did see the suspect vehicle come to a stop, and a suspect ran from the driver's side door as they flew overhead, but he did not see much else. Deputy Looney also said he heard the "998" being broadcast by a male voice over the Sheriff's radio frequency. He did not see the shooting.

For Deputy Looney's complete statements, refer to his verbatim interview transcripts.



CIVILIAN WITNESSES

Civilian Witness [redacted] was interviewed by Homicide Detectives Dameron Peyton and Margarita Barron, at Century Station on May 26, 2011, at 0307 hours. The interview was audio-recorded.

Subject [redacted] said he resides with his [redacted] at [redacted] in the city of [redacted] Subject [redacted] was advised of his Miranda Rights, per SHAD 477, by Detective Barron. Subject [redacted] stated he understood and waived.

Subject [redacted] stated "William" (later identified as Suspect William Clay Lusk) was his friend. Subject [redacted] admitted stealing the suspect vehicle, and said "William" was with him when he stole the car. The vehicle was identified as a 2007 Mitsubishi, California license # [redacted] reported stolen from Santa Monica a couple of days prior to the incident.

Subject [redacted] said he opened the car door, found the car key, and stole the car from an unidentified location in Santa Monica. Subject [redacted] said they drove the car from Santa Monica to the city of Compton, and had it for a day and a half.

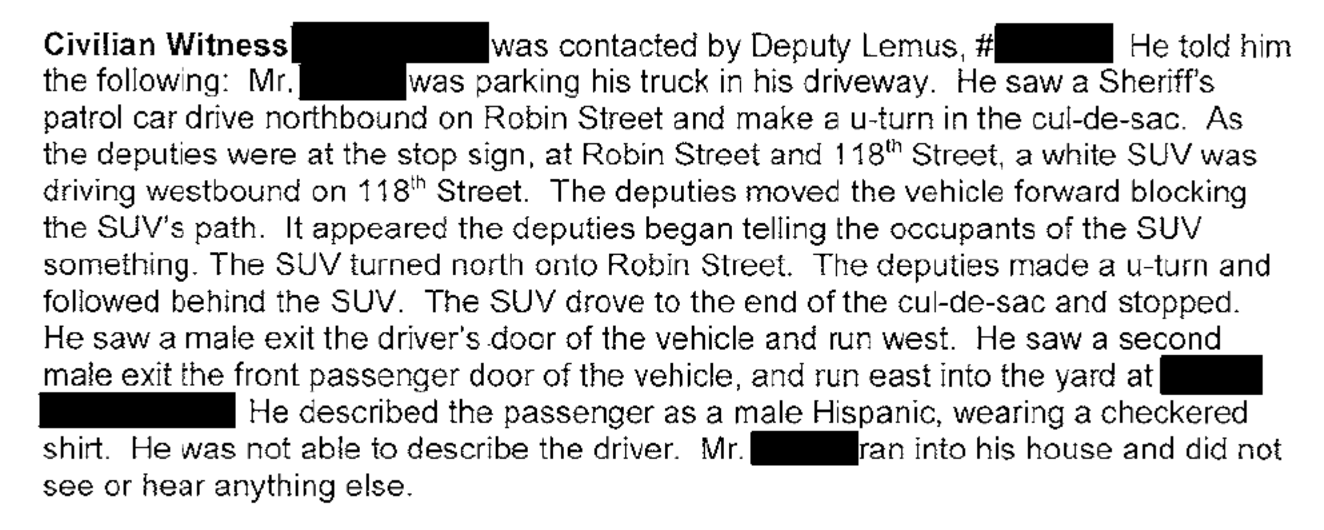
Subject [redacted] said on Wednesday, 05/25/11, at about 8:30 P.M., his friend (Suspect Lusk) was driving the stolen car, and he was seated in the right front passenger seat. No one else was inside the car. Subject [redacted] said they were driving around and suddenly the "cops" were behind them, at which time they stopped the car and ran away from the location. Subject [redacted] said he ran across the street, and waited at an apartment building. A short time later, Subject [redacted] said he heard deputies yelling, "Hey you, stop.", and thirty seconds later he heard nine gun shots. Subject [redacted] denied having a gun inside the stolen car. Subject [redacted] said the driver's window of the stolen car had been rolled up. Subject [redacted] said to his knowledge, his friend, Suspect Lusk, did not have a gun. Subject [redacted] admitted being on probation, but denied being a gang member.

For Subject [redacted] complete statements, refer to his verbatim interview transcripts.

Civilian Witness [redacted] was contacted by Deputy Lemus, # [redacted] [redacted] told him the following: He said that he was outside in the front yard watering his lawn. He saw a Sheriff's patrol car driving in the cul-de-sac, on Robin Street, then make a U-turn.

[redacted] said while it was stopped at the stop sign, at 118th Street, a white SUV was driving westbound on 118th Street. The deputies moved their vehicle forward blocking the SUV. They ordered the vehicle to stop. The SUV ignored them and drove northbound on Robin Street. The deputies made a u-turn and followed behind the SUV. The SUV drove to the end of the cul-de-sac and stopped. He saw a male exit the driver's side of the vehicle and run westbound. He saw a second male exit the front passenger side and run eastbound. At this time Mr. [redacted] told him to go inside the house. He went inside and did not see, or hear, anything more.

IAB NOTE: This summary was taken from the original supplemental report written by Deputy Lemus. **See Exhibit A, page 22.**



Civilian Witness [redacted] was contacted by Deputy Lemus, # [redacted] He told him the following: Mr. [redacted] was parking his truck in his driveway. He saw a Sheriff's patrol car drive northbound on Robin Street and make a u-turn in the cul-de-sac. As the deputies were at the stop sign, at Robin Street and 118th Street, a white SUV was driving westbound on 118th Street. The deputies moved the vehicle forward blocking the SUV's path. It appeared the deputies began telling the occupants of the SUV something. The SUV turned north onto Robin Street. The deputies made a u-turn and followed behind the SUV. The SUV drove to the end of the cul-de-sac and stopped. He saw a male exit the driver's door of the vehicle and run west. He saw a second male exit the front passenger door of the vehicle, and run east into the yard at [redacted] He described the passenger as a male Hispanic, wearing a checkered shirt. He was not able to describe the driver. Mr. [redacted] ran into his house and did not see or hear anything else.

IAB NOTE: This summary was taken from the original supplemental report written by Deputy Lemus. **See Exhibit A, page 23.**

Witness [redacted] was contacted and re-interviewed by Homicide Investigators Middle, # [redacted] and Lowe, # [redacted] on 05-20-11. He basically told them the same as what was told to Deputy Lemus on 05-25-11. He did add that once inside his house, they saw the passenger run into the rear yard of [redacted] He attempted to jump over the rear fence, and then concealed himself in the high grass in the southeast corner of the property. The passenger remained concealed for several minutes. He said the deputies were unaware that he was hiding. Mr. [redacted] yelled to the deputies and informed them that the passenger was hiding. While speaking with the deputies, he noticed the passenger was sitting on the stairway of [redacted] The deputies arrested the subject. See **Exhibit A Pages 52-54.**

Civilian witness [redacted] was contacted and interviewed by Homicide Investigators Middle and Lowe on 05-20-11. She told them basically the same as her [redacted] told investigators. See **Exhibit A Pages 52-54.**

The residential neighborhood near the shooting scene, on Robin Street and Central Avenue, was canvassed for any potential witnesses. The area was canvassed by deputies from Century Station.

Several of the residents stated they heard noises, but none actually witnessed the shooting, or had any knowledge of the circumstances surrounding the incident. The names of the residents contacted, and a summary of their interviews, are documented on Supplemental Reports which are included in this case book. **See Exhibit A, pages 17- 25.**

SUSPECT'S STATEMENTS

Suspect Lusk was deceased, and not able to be interviewed.

SHERIFF'S DEPARTMENT
Internal Affairs Bureau

Case Addendum
January 15, 2012

UNIT: **Century Sheriff's Station**
INCIDENT: **Deputy Involved Shooting**
DATE: **May 25, 2011**
LOCATION: **[redacted] South Central Av, Los Angeles**
IAB#: **SH 2289268**

The initial investigation case book, involving an incident which occurred on May 25, 2011, regarding a deputy involved shooting, was approved on November 3, 2011. The case was presented before the Executive Force Review Committee on November 17, 2011. Division Commander Joseph Hartshorne, requested that a follow up investigation be conducted, in an attempt to possibly gather more detailed witness statements in the case. The following follow-up work was directed.

- Second interview with Witness [redacted] in order to ask more detailed questions from the first interview.
- Second interview with Witness [redacted] in order to ask more detailed questions from the first interview.
- Second interview with Witness [redacted] in order to ask more detailed questions from the first interview.

WITNESS INTERVIEWS

Witness [redacted]

Witness [redacted] was interviewed by Internal Affairs Bureau, Sergeant Scott Graham on January 3, 2012, at 1631 hours. The interview was conducted at his home located at [redacted]

Witness [redacted] told me the following: He was driving home and turned northbound onto Robin Street. While doing so, he saw a white car (Suspect Vehicle), driving westbound on 118th Street. He saw a police car driving southbound on Robin Street. Both cars met at the intersection of Robin Street and 118th Street.

He drove to his house, and pulled into the apron of the driveway. He waited for his [redacted] to come out and open the gate, so he could pull his truck into the driveway.

Witness [redacted] said both vehicles stopped for approximately 5-6 seconds, and the suspect vehicle turned north onto Robin Street. The police car made a u-turn and drove "very fast" towards his residence. He was seated in his truck in the apron of the driveway.

Witness [redacted] said it was dark out, and both vehicles had their lights on. He said he did not see anything come out of the suspect vehicle's driver window because it was "too far."

Witness [redacted] did not see any deputies get out of the radio car. He said he would not have been able to see the driver of the suspect vehicle, nor could he have seen anyone get out of the car adding, he was looking at his house waiting for his [redacted] to open the gate so he could go inside. He said he was inside his truck as the incident took place.

For Witness [redacted] complete statements, refer to his verbatim interview transcripts.

Witness [redacted]

Witness [redacted] was interviewed by Internal Affairs Bureau, Sergeant Scott Graham, on January 3, 2012, at 1637 hours. The interview was conducted at her home located at [redacted] The interview was translated by her [redacted].

Witness [redacted] said she went out to open the driveway gate for her [redacted] She saw a white car (Suspect Vehicle) "speeding" northbound, and the police car "chasing" it.

Witness [redacted] did not see anything at the intersection. All she saw was the police car "leaving, and the white car coming in." She said she did not pay much attention to the intersection.

Witness [redacted] said when the suspect vehicle stopped in the cul-de-sac, she saw one suspect run west, and the other run east.

Witness [redacted] said that it was dark out, and the street lights were on.

For Witness [redacted] complete statements, refer to her verbatim interview transcripts.

Witness [redacted]

Witness [redacted] was interviewed by Internal Affairs Bureau, Sergeant Scott Graham, on January 3, 2012, at 1645 hours. The interview was conducted at his home located at [redacted]

Witness [redacted] said he was in the middle of his front lawn watering, when he saw the police car drive northbound on Robin Street. The police car turned around and went southbound. At the intersection of 118th Street and Robin Street, they encountered a white car (Suspect Vehicle), and "made him go northbound on Robin Street." At this time, Witness [redacted] stepped onto his porch. He said it was "dusk" and he could see clearly down the street.

> **IAB NOTE:** There is a large Palm tree in the yard just south of Witness [redacted] home that could possibly partially obstruct his view. See **Exhibit A**, photograph 3.

Witness [redacted] said that after he saw the suspect vehicle's doors open, he went in his house.

Witness [redacted] said that while both vehicles were at the intersection, he did not see anything come out of the suspect's window. He said from where he was at, he would not have been able to see the suspect vehicle's driver's window. He did not see anyone get out of the police car. As the suspect vehicle passed the police car, he was on his way back to his front porch. He stopped on his porch and saw the suspect vehicle "go down to the dead end, and that was it."

For Witness [redacted] complete statements, refer to his verbatim interview transcripts.

> **IAB NOTE:** The front door of Witness [redacted] house faces north. There is a large [redacted] on the [redacted] of the porch, which blocks the view to the east, and south. See **Exhibit A,** photographs 5, 6, and 7.

> **IAB NOTE:** IAB Sergeant Scott Graham went to the witness locations and took photographs depicting the witnesses' vantage point. To approximate similar lighting conditions, he retrieved the sunset time for May 25, 2011, from the Griffith Park Observatory website. A second sunset time to verify accuracy was obtained from the Time and Date.com website. Sunset on May 25, 2011, was 1955 hours. The Deputies first contact at the intersection with the suspect was at 2030 hours, 35 minutes after sunset. Sunset on 01-10-12 was at 1702 hours. Sergeant Graham took the indicated photographs at 1737 hours to approximate similar lighting conditions as the evening of May 25, 2011. See **Exhibit B**.